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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/046,124	BOURGINE, PAUL
	Examiner	Art Unit	
	THJUAN K. ADDY	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 February 2008*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1 and 3-16* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1 and 3-16* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some * c) ☐ None of:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on February 20, 2008 has been entered. No claims

have been amended. Claim 2 has been cancelled. No claims have been added.

Claims 1 and 3-16 are still pending in this application, with claims 1, 7, and 10 being

independent.

Claim Rejections - 35 USC § 103

2.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

3.   Claims 1, 3-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gross et al (US 6,931,116), in view of Will (US 5,905,789).

4.   In regards to claims 1, 7, and 10, Gross discloses a process and communication

device for management of data transfer to a specific destination station having a

plurality of real addresses, the process being applied to a multiplicity of

telecommunications supports (See Abstract and col. 1-2 lines 66-6) and comprising:

defining a virtual address (e.g. toll free 800 number or 888 number) of a destination

station, said destination station having a plurality of real addresses (See col. 3-4 lines

65-6 and col. 4 lines 14-19); sequentially searching through the real addresses

according to one of a plurality of time-related sequences (See Abstract, col. 3-4 lines

65-9, and col. 9-10 lines 63-14) until obtaining a positive response (for example, until a

live answer is reached) from a real address establishing a communications channel,

said time-related sequence being a predetermined ordered sequence (See col. 1 lines

53-60); and transferring data by the communication channel (See col. 9 lines 29-62).

Gross, however, does not disclose storing time-related communication parameters in a

memory at each failure and/or success in establishing the communication channel;

processing said time-related communications parameters stored in the memory by

correlating at least one of the time-related communications parameters with failure

and/or success in establishing the communications channel with the real address; and

determining a new order of the time-related sequence for sequentially searching

through the real addresses based on the correlation. Will, however, does disclose

storing time-related communication parameters (e.g., time of the day and day of the

week) in a memory (e.g., database/server memory) at each failure and/or success in

establishing the communication channel (See col. 5 lines 9-34 and col. 7-8 lines 58-8);

processing said time-related communications parameters stored in the memory by

correlating at least one of the time-related communications parameters with failure

and/or success in establishing the communications channel with the real address (See

col. 5 lines 9-34); and determining a new order of the time-related sequence for

sequentially searching through the real addresses based on the correlation (See col. 2-

3 lines 53-6 and col. 8 lines 10-14). Therefore, it would have been obvious for one of

ordinary skill in the art at the time of the invention to incorporate these features within

the process and device, as a way of using the "find me" approach that is both easy to

set up and maintain and that can determine a sequence of numbers to call at a given

time that minimizes the number of calls necessary to reach the subscriber. In other words, this would increase the speed of delivering communications between parties, by selecting destinations from a routing list based on call completion probability.

5.   In regards to claim 3, Gross discloses all of claim 3 limitations, except the process, wherein the processing performed on the time-related communications parameters stored in the memory is an iterative learning process. Will, however, does disclose the process, wherein the processing performed on the time-related communications parameters stored in the memory is an iterative learning process (See col. 5 lines 24-34 and col. 8-9 lines 66-12).

6.   In regards to claim 4, Gross discloses all of claim 4 limitations, except the process wherein the iterative learning process uses a neural network. Will, however, does disclose the process wherein the iterative learning process uses a neural network (See Fig. 4 and neural network 400) (See col. 3-4 lines 65-11, col. 5 lines 9-23, and col. 6 lines 8-22).

7.   In regards to claim 5, Gross discloses all of claim 5 limitations, except the process, wherein the processing performed on time-related communications parameters stored in the memory is a statistical processing. Will, however, does disclose the process, wherein the processing performed on time-related communications parameters stored in the memory is a statistical processing (See col. 5 lines 24-34, col. 6 lines 8-22, and col. 8-9 lines 66-12).

8.   In regards to claim 6, Gross discloses the process, wherein the communication parameters are selected from the group consisting of date and time (See col. 9-10 lines

63-14). Will, also discloses the process, wherein the communication parameters are selected from the group consisting of date and time (See col. 2 lines 53-57).

9.   In regards to claim 8, Gross discloses the process, wherein one of the time-related communications parameters is time of day (See col. 9-10 lines 63-17). Will, also discloses the process, wherein one of the time-related communications parameters is time of day (See col. 2 lines 53-57).

10.   In regards to claim 9, Gross discloses the process, wherein one of the time-related communications parameters is day of week (See col. 9-10 lines 63-17). Will, also discloses the process, wherein one of the time-related communications parameters is day of week (See col. 2 lines 53-57).

11.   In regards to claim 11, Gross discloses the process, wherein establishing a communications channel is performed by selectively choosing an outgoing telecommunication network (for example, the router decides which address/number/destination to forward the call, such as to a home phone, cellular phone, work phone, voicemail, etc.) (See col. 2 lines 21-40).

12.   In regards to claim 13, Gross discloses all of claim 13 limitations, except the process, wherein determining a new order of the sequence is performed each time an attempt is made to establish a communications channel. Will, however, does disclose the process, wherein determining a new order of the sequence is performed each time an attempt is made to establish a communications channel (See col. 5 lines 30-34 and col. 8 lines 10-14).

13.   In regards to claim 14, Gross discloses the process, wherein sequentially searching is performed automatically (See col. 1 lines 53-60). Will, also discloses the process, wherein sequentially searching is performed automatically (See col. 2-3 lines 53-6).

14.   In regards to claim 15, Gross discloses the process, wherein sequentially searching is performed semi-automatically in a way that an operator provides an extra service (See col. 5 lines 58-65).

15.   In regards to claim 16, Gross discloses the process, wherein said extra service is at least one selected from the group consisting of interpretation of a party's requests, searching for or supplying information, scheduling appointments and interactive filtering (See col. 5 lines 58-65 and col. 6 lines 9-24).

16.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al (US 6,931,116), in view of Will (US 5,905,789), and in further view of Pokress (US 6,169,791).

17.   In regards to claim 12, Gross and Will disclose all of claim 12 limitations, except the process, wherein said selective choice is performed according to a least cost routing process. Pokress, however, does disclose the process, wherein said selective choice is performed according to a least cost routing process (See Abstract and col. 2 lines 19-35). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of providing a least cost call routing system, which allows subscribers to save significantly and

automatically on a call-by-call basis for each telephone call made anywhere in the world

(See Pokress, col. 1 lines 58-63).

Response to Arguments

18.   Applicant's arguments filed 02/20/2008 have been fully considered but they are

not persuasive.

19.   Applicant argues that Will, unlike Claim 1, fails to describe storing time-related

parameters at each failed or successful attempt, and in fact, only records information

upon completion of a call, and if a call is not completed, which is equivalent to a

subscriber not participating in a call, information is not recorded to assist in the training

of the model, and thus, in Will's process, no time-related communication parameters at

a failure in establishing communication are stored.

20.   In regards to the above arguments, Examiner respectfully disagrees. Applicant

states that Will, unlike Claim 1, fails to describe storing time-related parameters at each

failed or successful attempt, and in fact, only records information upon completion of a

call. Examiner would like to bring to Applicant's attention, that Claim 1 recites "storing

time-related communication parameters in a memory at each failure and/or success in

establishing the communications channel." Claim 1, does not recite "attempting" to

establish the communications channel, as being argued by Applicant. Therefore, as

currently recited, Claim 1 discloses storing the time-related communication parameters

relating to each failure and/or success, in memory, upon <u>establishing</u> the

call/communications channel, and not upon "attempting" to establish the

call/communications channel. Therefore, Will does disclose and suggest, storing time-related communication parameters (e.g., time of the day and day of the week) in a memory (e.g., database/server memory) at each failure and/or success in <u>establishing</u> the communication channel (See col. 5 lines 9-34 and col. 7-8 lines 58-8). Furthermore, Will does not teach that failure and/or success is only recorded upon completion of a call. For example, when a call attempt is received from a caller or when an incoming call is detected, the neural network is used to predict the likelihood that the called party/subscriber is located at the attempted number/location, and the likelihood may be based on the current time of the day and the day of the week when the call attempt/incoming call is received (See col. 5 lines 6-23). Therefore, a call does not have to be completed/established, in order for the time-related parameters, relating to each failure and/or success to be stored in a memory.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

24.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614